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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/409,366	09/30/1999	YUE HENG XU	INTL-0250-US	5274

21906 7590 03/20/2006

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EXAMINER

LUU, SY D

ART UNIT PAPER NUMBER

2174

DATE MAILED: 03/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.



### **DETAILED ACTION**

1. This communication is responsive to the Reply filed December 27, 2005.
2. Claims 1, 3-14 and 31-32 are pending in this application. Claims 1 and 10 are independent claims. Claims 1 and 10 were amended, claim 2 was cancelled. This action is made Final.
3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

#### ***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 3-6, 9, and 11-12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

5. Claims 3-6, 9 and 11-12 recites the limitations "the first medium", "said Internet", "the Internet" and "said second medium" in lines 2 and/or 3. There is insufficient antecedent basis for this limitation in the claims.

#### ***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

7. Claims 1, 3, 7-8, 10, 13-14 are rejected under 35 U.S.C. 102(e) as being anticipated by Stautner et al. ("Stautner", US 6,172,677).

As per claim 1, Stautner teaches a method of implementing an electronic programming guide through a program receiver comprising: providing access to a first electronic programming guide with a first set of program selections (fig. 5); providing access to a second electronic programming guide with a second set of program selections, wherein said second set (fig. 2) of program selections is substantially more extensive than said first set of selections (fig. 5); and enabling a user selection of viewing programs on said receiver from said first and second electronic programming guides (col. 4, lines 58-60).

As per claim 3, Stautner teaches that the first EPG provides the programming guide and program content (fig. 5).

As per claim 7, Stautner teaches user selection of provided program selections (col. 4, lines 58 et seq.).

As per claim 8, Stautner teaches providing the first and second EPGs in response to user request (col. 4, lines 29-34).

Claims 10 and 13-14 are similar in scope to claims 1 and 7-8 respectively, and are therefore rejected under similar rationale.

***Claim Rejections - 35 USC § 103***

8. Claims 4-6, 9, 11-12 and 31-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stautner et al. ("Stautner", US 6,172,677) in view of Boyer et al. ("Boyer", US 6,268,849).

As per claims 4-6, 9, and 31-32 while Stautner shows providing the second EPG (fig. 4), Stautner does not specifically teach that the first and/or second EPGs is provided over the Internet. However, providing EPGs over the Internet is known in the art. For instance, Boyer teaches an EPG system for receiving program content from the Internet (abstract). It would have been obvious to an artisan at the time of the invention to combine Boyer's teaching of using the Internet as a medium for obtaining additional program content with Stautner's method, because the Internet is a world wide network which could greatly extend the resources for obtaining program contents for EPGs. Boyer further teaches the steps of: (a) automatically coupling the user to said Internet and automatically accessing the Internet upon receiving a request for access from the user (abstract); and (b) providing access to program guides on two different web sites (col. 4, lines 28 et seq.). Stautner also teaches the step of providing tuning information (col. 4, lines 58-60).

Claims 11-12 are similar in scope to claims 5-6 respectively, and are therefore rejected under similar rationale.

***Response to Arguments***

9. Applicant's arguments, see Applicant's remarks on page 5, filed December 27, 2005, with respect to the amended claims have been fully considered and are deemed not persuasive. Applicant argued that the references do not show two different program guides wherein one of the program guides has more selections than the other. The Examiner disagrees because as indicated in the rejection section, Stautner clearly shows two different program guides (figures 2 and 5), in which one program guide (fig. 2) has more selections than the other (fig. 5).

***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

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***Inquires***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sy Luu whose telephone number is **(571) 272-4064**. The examiner can normally be reached on Monday - Friday from 7:300 am to 4:00 pm (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid, can be reached on (571) 272-4063.

The fax number for the organization where this application or proceeding is assigned is (571) 273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



**SY D. LUU  
PRIMARY EXAMINER  
ART UNIT 2174**